

FILED

United States District Court

MIDDLE DISTRICT OF ALABAMA

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In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

A first class letter addressed to:

Willie Goldsmith
5331 Lola Lane
Montgomery, AL 36108

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: 2:06mj003CSC

I, J. D. Tynan being duly sworn depose and say:I am a(n) United States Postal Inspector and have reason to believe
Official Titlethat ☐ on the person of or ☒ on the premises known as (name, description and/or location)

A first class letter from the Department of the Treasury Check addressed to Willie Goldsmith, 5331 Lola Lane, Montgomery, AL 36108.

in the Middle District of Alabama

there is now concealed a certain person or property, namely (describe the person or property)

A fraudulently obtained U. S. Treasury check

which is (give alleged grounds for search and seizure under Rule 41(b) of the Federal Rules of Criminal Procedure)

the fruits of a crime or thing otherwise criminally possessed,

in violation of Title 18 United States Code, Section(s) 287

The facts to support the issuance of a Search Warrant are as follows:

See ATTACHMENT 1

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ NoJ. D. Tynan
Signature of Affiant

Sworn to before me, and subscribed in my presence

JANUARY 6, 2006

Date

at MONTGOMERY, ALABAMA
City and StateCHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

The undersigned, being duly sworn on oath, deposes and says:

1. I, James D. Tynan, have been a United States Postal Inspector for three years. I am currently assigned to the U.S. Postal Inspection Service Office in Montgomery, AL. I investigate cases having a nexus to the mail such as mail theft, drugs in the mail, robberies and burglaries of postal facilities and personnel, and incidents where the United States Mails are used to further a fraudulent scheme to obtain funds; in this case for the purpose of filing false applications for assistance from the FEMA regarding Hurricanes Katrina and Rita in violation of Title 18, United States Code, Section 287, False, Fictitious or Fraudulent Claims. The following information has been obtained by me personally or has been provided to me by Ed Kleppinger, Special Agent, Department of Homeland Security Office of Inspector General (DHS-OIG) and postal employees.

2. On August 29, 2005, President George W. Bush had authorized the dissemination of disaster relief funds to individual applicants in Louisiana, Mississippi, and Alabama as a result of Hurricane Katrina. Qualifying applicants were eligible for expedited emergency housing assistance in the amount of \$2,000 in lieu of further payment.

3. On October 24, 2005, I assisted Special Agents Kleppinger and J. Monnin, DHS-OIG, regarding an address they had identified as being involved in Hurricane relief fraud. This address was identified as 5331 Lola Lane, Montgomery, AL 36108-5423. At this time I asked the supervisor of the delivering post office for this address to contact me if anyone at this address received a U. S. Treasury Check from FEMA.

4. On Friday, November 12, 2005, the DHS-OIG, Atlanta Field Office, initiated an investigation on subject Eloise Curry. The OIG had previously received information from the National Processing Service Center that maintains information in the National Emergency Management Information System on individuals that apply to FEMA for disaster relief assistance. The OIG had requested a listing of all claims made to FEMA with a mailing address of 5331 Lola Lane, Montgomery, Alabama. The request was for any claims filed under the following disaster numbers related to Hurricanes Katrina and Rita: 1603 (Louisiana), 1604 (Mississippi), 1605 (Alabama), and 1607 (Louisiana).

5. The OIG reviewed the database and determined that there were at least 22 separate individual

claims for disaster assistance filed to FEMA using 5331 Lola Lane, Montgomery, Alabama, as the mailing address; approximately 5 checks were paid out representing \$10,000. Previous interviews conducted by the OIG regarding fraudulent claims in Montgomery, Alabama, revealed that Eloise Curry owned the home at 5331 Lola Lane, Montgomery, AL 36108. Curry had previously filed a FEMA claim under disaster number 1603 and received \$2,000 in Expedited Assistance (EA).

6. On Wednesday, December 7, 2005, Special Agents Ed Kleppinger and Jeffery Monnin, DHS-OIG, Atlanta Field Office, interviewed Eloise Curry at her residence, 5331 Lola Lane, Montgomery, Alabama.

7. Curry stated that she has lived at 5331 Lola Lane, Montgomery, AL 36108, since 2002. Curry stated that she never lived in Louisiana. Curry claimed she did not file a FEMA claim for Hurricane Katrina; however Curry cashed her most recent FEMA check for \$2,000 and spent the money on bills. Curry stated that in addition to her check, several checks for other people arrived at her residence.

8. The several checks that arrived at 5331 Lola Lane, Montgomery, AL 36108 were for boarders that she provided rooms for in her home. The boarders included Curnel Gordon and Willie Williams.

9. Agent Kleppinger stated that he asked Curry if she knew some of the other names that the OIG had identified as having a FEMA check issued in their name and mailed to 5331 Lola Lane, Montgomery, Alabama. Curry stated that she did not know Jannell, Andre, or James Lassic and do not live at her residence. Curry stated that the people living with her at the end of August 2005 included Gordon, Williams, Laketia Warner (daughter), and Willis. Agent Kleppinger noted, however, that the Lassic's have a home located on Ira Drive, almost directly behind Curry's home.

10. On January 3, 2006, I was contacted by a postal supervisor who stated there were three U. S. Treasury checks for the above address. On January 4, 2006, I picked up three pieces of first class mail which each contained U. S. Treasury Check from FEMA. The letter containing checks payees are described as follows:

- a. Willie Goldsmith, 5331 Lola Lane, Montgomery, AL 36108
- b. James Lassic, 5331 Lola Lane, Montgomery, AL 36108
- c. Janell Lassic, 5331 Lola Lane, Montgomery, AL 36108

11. Based on my training and experience and the facts set forth in this affidavit, your affiant submits there is probable cause to believe that the previously described three Treasury checks were fraudulently obtained, and seeks the issuance of a search warrant directing the search of each letter and the seizure of said mail article contained therein.

12. The letters have been maintained unopened in the custody of the undersigned agent in this District pending application for a search and seizure warrant.

J. D. Tynan

J. D. Tynan

Postal Inspector

Sworn to and subscribed before me this

6th day of January, 2006, at

Montgomery, AL

A large, stylized handwritten signature in black ink, appearing to read 'Charles S. Coody', written over a horizontal line.

Charles S. Coody

United States Magistrate Judge